

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TITUS HENDERSON,

Plaintiff,

v.

TEXTBEHIND, et al,

Defendants.

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ORDER

Case No. 23-cv-2-jdp

On March 13, 2023, the court entered an order giving plaintiff Titus Henderson until April 3, 2023, to submit the \$1.45 initial partial payment of the \$350.00 filing fee for this case. Now plaintiff has filed a motion to waive the initial partial filing fee. Dkt. # 12. I will deny plaintiff's motion without prejudice for the following reasons.

In 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. In calculating the amount of plaintiff's initial partial payment in this case, I used the prisoner trust fund account statement plaintiff submitted on February 20, 2023, in support of his motion for leave to proceed without prepaying the fee. Dkt. ## 9, 6. The account statement shows that plaintiff has had deposits made to his account, from which I was able to calculate 20 percent of plaintiff's average monthly deposits to be \$1.45.

Because the trust account statement plaintiff submitted in this case shows that plaintiff is receiving regular deposits, I will give plaintiff an extension of time, until April 24, 2023, to submit the \$1.45 initial partial payment. If plaintiff does not have enough money in his regular account to pay the \$1.45 initial partial payment, plaintiff may use funds from his release account to pay the \$1.45 initial partial payment.

IT IS ORDERED that,

1. Plaintiff Titus Henderson's motion to waive the initial partial payment in the above case, dkt. # 12, is DENIED without prejudice.

2. Plaintiff may have an enlargement of time to April 24, 2023, in which to submit a check or money order payable to the clerk of court in the amount of \$1.45. If, by April 24, 2023, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 3<sup>rd</sup> day of April, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge